

RECEIVED

JAN - 4 2013

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

WILLIAM BROYLES, III., et al.
-vs-

CIVIL ACTION NO. 10-1580
JUDGE DRELL

DOUGLAS GUILLORY , et al.

MAGISTRATE JUDGE KIRK

JUDGMENT

For the reasons contained in the Report and Recommendation (Doc. 43) of the Magistrate Judge previously filed herein, and after independent (de novo) review of the record, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that Defendants' Motions to Dismiss for Failure to State a Claim (Docs. 31 & 35) are DENIED.

In so ruling, we note we are required to consider, sua sponte, the issue of subject matter jurisdiction pursuant to Fed. R. Civ. Proc. 12(h)(3). Accordingly, the parties are ordered to present briefs to the Court addressing the following issues:

- (1) Although the State of Louisiana is not specifically named as a defendant, is this suit not, in essence, one against the State of Louisiana and therefore barred under the 11th Amendment of the United States Constitution?
- (2) Does this Court have jurisdiction to consider what appears to be entirely a case involving state regulations of a state industry?
- (3) Where Due Process rights in licensing revocation are provided by a state statute, does a breakdown in that process involve a federal right?

- (4) To what extent does a renewable state licensing procedure result in a protected property interest? In asking this question, we observe that tenure as a professor may well be protected but a driver's license may well not. Where does a license to promote wrestling fall in the continuum between these?

The parties shall file such briefs within thirty (30) days from the date of this judgment, and replies shall be due within forty-five (45) days from the date of this judgment.

SIGNED on this 24 day of January, 2013 at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read "Dee D. Drell", is written over a horizontal line.

DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT